

April 14, 2024

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility
Commission Commonwealth
Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

Re: Judith D. Hendin vs. Metropolitan Edison Company

Dear Secretary Chiavetta,

Attached please find a Reply to Vice Chair Barrow's Motion to Deny Judith Hendin's Petition for Reconsideration. This document has been served on the all parties as shown in the Certificate of Service.

Respectfully submitted,

/s/ Judith D. Hendin

Judith D. Hendin

Represented Pro Se

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Judith D. Hendin,

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:

Complainant

:

:

v.

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Docket No. C-2018-3003324

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:

Metropolitan Edison Company,

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:

Respondent.

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**REPLY TO VICE CHAIR BARROW’S MOTION TO DENY
JUDITH HENDIN’S PETITION FOR RECONSIDERATION**

VICE CHAIR BARROW'S MOTION SHOULD BE RESCINDED

1. On January 26, 2024, the Pennsylvania Public Utility Commission issued its Opinion and Order in this case.
2. On February 12, 2024, Complainant submitted a Petition for Reconsideration.
3. This Petition included nineteen (19) new or novel arguments; three (3) matters that were overlooked; and two (2) errors of fact. Complainant discussed **24 new salient arguments in her Petition for Reconsideration.**
4. On April 4, 2024, PUC Vice Chair Kimberly Barrow filed a Motion addressing two (2) of these points.
5. Barrow's Motion for Dismissal cites that Complainant's first point, the *Environmental Health Trust* case, was addressed in *Povacz II*. Commissioner Barrow's observation, and the PUC's characterization of Complainant's case and the case of the Doctors McKnight, are in error. *Alexia and Lawrence McKnight v. Pennsylvania Public Utility Commission and PECO Energy Company, No. 1253 C.D. 2019*. The PUC in my case, and the PUC and the Commonwealth Court in *McKnight*, mischaracterized both of our cases as allegations that microwaves from smart meters caused harm to both myself and Dr. Alexia McKnight. If Commissioner Barrow had digested the meat of my Petition for Reconsideration, she would have realized that, unlike the *Povacz II* case, my case centers on actual, concrete medical harm to me caused by my utility's smart meter, very similar to the evidence in the McKnight case.
6. The new evidence I submitted with my Petition proves that the gas utility meter that was placed on my house, was, indeed, a smart meter. Met-Ed had proffered, and the PUC had accepted, an argument that I had no evidence that the utility gas meter that harmed me

was a smart meter. In my Petition for Reconsideration, I supplied the late-found evidence that the utility gas meter was a smart meter. The presence of a smart meter on my home was the “but for” cause of my illness.

6. Therefore, the PUC should reconsider my case based on: (1) the error of law confusing my case allegations and evidence with those of *Povacz I and II*; and (2) the error of fact, assuming that the utility meter which caused me medical harm was not a smart meter. My Petition should not be dismissed based on the specious points Commissioner Barrow makes: *Povacz II* RF from smart meters, *Environmental Health Trust*, and electrosmog.
7. After mentioning those points, Barrow writes, “I would go no further,” and she proceeds to recommend that my entire Petition be denied, despite the errors of law and of fact and the newly discovered evidence which goes to the heart of my disability in the presence of a smart meter on my home and my need for accommodation.
8. Commissioner Barrow filed her Motion to dismiss my Complaint without addressing the crux of my situation: ill health when exposed to a smart meter on my house, as attested to by my physician, and the resolution of my ill health shortly after removal of the smart meter. Just as in the *McKnight* case, the smart meter on my home was the “but for” cause of my ill health, and removal of the smart meter resolved my ill health issues. This blatant mischaracterization by the legal system concerning the cause of medical damage to me is particularly egregious when my health and life are at stake.
9. Commissioner Barrow’s Motion may also simply be a maneuver to save the PUC and the OSA (Office of Special Assistants) time. Again, my health and life are at stake.
10. Complainant wonders what weight such a recommendation to the OSA by the Vice Chair might carry. One hopes and prays that the OSA will exercise independence, integrity, and

responsibility, and that they will objectively assess at least the most salient of the 24 points in my Petition.

11. The PUC, Vice Chair Barrow, and the OSA have a legal obligation to address my Petition thoroughly.
12. Commissioner Barrow refers to the *Povacz II* Pennsylvania Supreme Court Opinion, which was decided in 2022. Besides confusing the facts of *Povacz II* with the facts of my case, Commissioner Barrow wants to dismiss my Petition for Reconsideration without weighing the ability of the PUC to instruct Met-Ed to grant me an accommodation pursuant to *Povacz II*, even if my case is ultimately deemed to not rise to the PUC exacting standards proving a violation of Section 1501 of the PUC code. I draw your attention to footnote 5 on page 7 of *Povacz II*.
13. Relevant to my Petition for Reconsideration, I request that the PUC require Met-Ed and other utilities throughout the Commonwealth of Pennsylvania to institute customer service policies pursuant to that *Povacz II* opinion, to provide Pennsylvania customers who are similarly situated to me with relief from smart meter deployment on our homes as an accommodation required by federal law. To date, to my knowledge, upon application by a disabled consumer, no utility in the Commonwealth has agreed to accommodate a disabled consumer pursuant to the recommendation in the *Povacz II* opinion.
14. Several options for accommodation are possible. The accommodation needs to fit the specific circumstances of each particular situation.
15. The *Povacz II* opinion footnote specifically states that the consumer need not prove that smart meter deployment in their case had or would result in a violation of Section 1501 of

the PA PUC Code. So, even if I (or other disabled Pennsylvania consumers) could not prove a violation of Section 1501 of the PA PUC Code to the satisfaction of the PUC, those consumers should still be offered an accommodation.

16. To throw out the Petition based solely on two small arguments is completely unacceptable. Complainant urges Vice Chair Barrow to rescind this Motion. Complainant maintains and demands that the Petition for Reconsideration be read and responded to in its entirety—all 24 points. Anything less would be a travesty of justice and a violation of due process of law.
17. For the reasons set forth above, I humbly request that the PUC not dismiss my Petition for Reconsideration, and that it carefully weigh: (1) my new evidence submitted, (2) the *Povacz II* decision options for utilities to grant accommodations from smart meter deployment, even if the circumstances do not meet the PUC's strict interpretation of violations of Section 1501 of the PUC Code, (3) the salient distinctions between my case and that of *Povacz II* complainants, and (4) the other cogent arguments in my Petition for Reconsideration. I respectfully request that the PUC base its reformulated opinion on those issues.

Submitted,
/s/ Judith D. Hendin

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Dated: April 14, 2024

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2024, I caused to be served a true and correct copy of the foregoing upon the following:

Rosemary Chiavetta, Secretary
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(via PUC efile)

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By: /s/ Judith D. Hendin

Judith D. Hendin